

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BARBARA (JEANA) WALTON,

Plaintiff,

v.

CIV NO. 01 1337 LH/WDS

**WASTE MANAGEMENT OF NEW
MEXICO, INC., a corporation,**

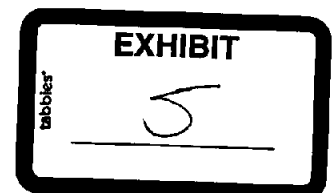
Defendant.

AFFIDAVIT OF J. DOUGLAS FOSTER

J. Douglas Foster, being first duly sworn upon his oath, hereby
deposes and states:

1. I make this affidavit for the purpose of presenting information to the Court in support of Plaintiff's Motion for Attorneys' Fees, and particularly for the purpose of informing the Court as to the prevailing market rates in this community for services rendered by attorneys of comparable skill and experience as those of the Plaintiff's attorneys here.

2. I have been licensed to practice law in the State of New Mexico since 1977, and have practiced law continuously in New Mexico since that time. During that period of time, I have tried scores of civil cases, and handled numerous appeals, in both the state and the federal courts including a significant amount of employment law. Over the course of the last twenty seven years, I have become familiar with the prevailing



market rates in the community for similar services as those rendered here by lawyers of reasonably comparable skill, experience, and reputation.


3. I am personally familiar with attorneys Whitney Warner and Christopher M. Moody and am therefore competent to attest to their skill, experience and reputation in the legal community of employment law particularly discrimination and retaliation under Federal and State Statutes. I am aware that they practice law exclusively, or nearly so, in the area of employment and labor law. I place their reputation, their skill and experience in the area in which this litigation occurred, and the practice areas in which it has occurred, at the highest level of the community of lawyers similarly situated and practicing.

Although I am not personally familiar with Repps D. Stanford, I am familiar with his reputation by virtue of the fact that he is associated with Mr. Moody and Ms. Warner and the firm of Moody & Warner is devoted to employment and labor law.

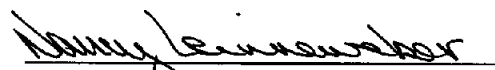
4. I consider the rates which these attorneys are charging to be comparable to the prevailing market rates in this community for lawyers of comparable skill, experience and reputation. I consider the presented fee petition for these attorneys at the rates of \$250.00 for Christopher M. Moody, \$200.00 for Whitney Warner, and \$150.00 for Repps D. Stanford to be more than reasonable and to be perfectly consistent with prevailing market rates in this community.

5. In my twenty seven years of practice, I am also familiar with the billable rates and the number of litigation hours at which out of state counsel who come to practice in our New Mexico courts typically charge for similar services rendered. The billable rates of, and the hours expended by, Mr. Moody and Ms. Warner are extraordinarily modest by comparison, especially given the successful results achieved by Plaintiff in this case.

FURTHER AFFIANT SAYETH NAUGHT


J. Douglas Foster

SUBSCRIBED AND SWORN TO before me this 5th day of May, 2004,
by J. Douglas Foster.


Notary Public

My Commission Expires:

7/24/05

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BARBARA (JEANA) WALTON,

Plaintiff,

v.

CIV NO. 01 1337 LH/WDS

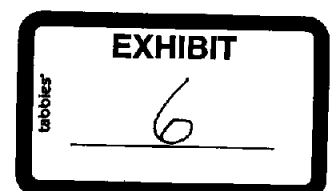
**WASTE MANAGEMENT OF NEW
MEXICO, INC., a corporation,**

Defendant.

AFFIDAVIT OF WILLIAM C. MADISON

William C. Madison, being first duly sworn upon his oath, hereby
deposes and states:

1. I make this affidavit for the purpose of presenting information to the Court in support of Plaintiff's Motion for Attorneys' Fees, and particularly for the purpose of informing the Court as to the prevailing market rates in this community for services rendered by attorneys of comparable skill and experience as those of the Plaintiff's attorneys here.
2. I have been licensed to practice law in the State of New Mexico since 1973, and have practiced law continuously in New Mexico since that time. During that period of time, I have tried, settled, mediated and litigated scores of civil cases, and handled numerous appeals, in both the state and the federal courts including some employment law cases. Over the course of the last thirty years, I have become familiar with the prevailing market rates in the community for similar services as those



rendered here by lawyers of reasonably comparable skill, experience, and reputation.

3. I am professionally familiar with attorneys Whitney Warner and Christopher M. Moody. I am aware that they practice law exclusively, or nearly so, in the area of employment and labor law. I place their reputation, their skill and experience in employment and civil rights law at the highest level of the community of lawyers similarly situated and practicing. I am not as familiar with Repps D. Stanford, though I am familiar with his reputation by virtue of the fact that he is associated with Mr. Moody and Ms. Warner and that the firm of Moody & Warner is devoted to employment and labor law.

4. In June 2003 I served as a mediator in this lawsuit. I reviewed the parties' respective position statements and the legal claims in the lawsuit and met and conferred with the individual attorneys from each side for an entire day. From this experience, I can attest that this lawsuit was ably, competently and diligently represented, and defended, by both parties at the highest level. The lawsuit contained important and complex civil rights issues that demanded skill and expertise from experienced employment law specialists. Counsel for Defendant and Plaintiff clearly brought to bear their respective expertise, skill and experience in the area of employment law and civil rights litigation.


5. I consider the rates which these attorneys are charging to be comparable to the prevailing market rates in this community for lawyers of comparable skill, experience and reputation. I consider the presented fee petition for these attorneys at the rates of \$250.00 for Christopher M. Moody, \$200.00 for Whitney Warner, and \$150.00 for Repps D. Stanford to be reasonable and consistent with prevailing market rates in this community.

6. In my thirty years of practice, I am also familiar with the billable rates and the number of litigation hours at which out of state counsel who come to practice in our New Mexico courts typically charge for similar services rendered. The billable rates of, and the hours expended by, Mr. Moody, Ms. Warner, and Mr. Stanford are modest by comparison, especially given the fact that this lawsuit was heavily litigated, pursued through trial, and a favorable judgment was rendered on four civil rights claims.

FURTHER AFFIANT SAYETH NAUGHT


William C. Madison

SUBSCRIBED AND SWORN TO before me this 27th day of May, 2004,
by William C. Madison


Notary Public

My Commission Expires: 9/24/04